

**TITLE OF REPORT:** Permission in Principle on application

**REPORT OF:** Paul Dowling, Strategic Director, Communities and Environment

### **Purpose of the report**

1. This report sets out the background and procedures for the Council, in its capacity as Local Planning Authority, to discharge new statutory duties to determine applications for Permission in Principle (PIP) for residential development.

### **Background**

2. The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) comes into force on 1<sup>st</sup> June 2018. This allows small (9 dwellings or less) housing schemes to apply to the Council for PIP. The granting of PIP along with a subsequent Technical Details Consent (TDC) provides an implementable planning permission.
3. PIP establishes whether the principle of housing on a site is acceptable along with the number of dwellings (expressed as a range) that can be accommodated on the site. The TDC deals with the detailed issues such as detailed design, layout and parking.
4. Once a site has been granted PIP, the developer or landowner has 3 years to seek TDC. The Council as Local Planning Authority (LPA) is under no obligation to approve TDC; however it cannot re-consider the principle of development on the site or the number of dwellings that the site can accommodate. A TDC application can only be submitted as a single application and not broken up into parts.
5. Members may recall a previous report to Planning and Development Committee on 6 December 2017 for PIP to be granted for housing on sites in the Brownfield Register. The Order differs from that approach in that applications can be made for both brownfield and greenfield sites although they are restricted to 9 dwellings or less.

### **Proposals**

6. As required by the Order, from 1 June 2018, developers or landowners will be able to apply for PIP and subsequent TDC for development of 9 dwellings or fewer.
7. An application for PIP would be submitted to the Council as LPA (Development Management section). As part of the determination of this application, internal and external consultation would take place.
8. Whilst the Order sets out that the minimum level of neighbour notification is a site notice displayed in the local area, it is considered that for applications in Gateshead, neighbour notification should include writing to neighbouring properties. This is so the

notification process is consistent with that for PIP through the Brownfield Register and standard planning applications.

9. Consideration would then be given to any representations received and a decision (or where relevant recommendation) would be made whether to grant PIP. The decision would be made either by the Service Director, Development, Transport and Public Protection under delegated authority or by the Planning and Development Committee, consistent with the Council's scheme of delegation for planning applications. The scheme of delegation for the Planning and Development Committee in the Council's constitution would need to be amended to allow this and a report has been taken to Cabinet on 22 May 2018.
10. For applications for TDC, following a grant of PIP on application, it is proposed that these be considered in the same way, albeit that the principle of development and amount of housing would not be relevant considerations.
11. In regard to timescales, the LPA must determine a PIP application and any subsequent TDC application within 5 weeks unless otherwise agreed in writing.
12. For PIP applications, the LPA cannot impose any planning conditions, nor can any Section 106 agreement be applied, nor CIL charge levied. However, at TDC stage, these can be applied if relevant.
13. If a PIP or TDC application is refused there is a right of appeal. This differs to PIP through the Brownfield Register where there is no right of appeal.

## **Recommendations**

14. It is recommended that Committee:
  1. Approve the recommendation for consultation on PIP applications to go beyond the statutory level to include writing to neighbouring residents and occupiers in the same way as PIP through the Brownfield Register and standard planning applications.
  2. Note the report for information.

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## **APPENDIX 1**

### **FINANCIAL IMPLICATIONS**

The cost of determining the applications will be met through application fees. The granting of PIP and subsequent TDC will support the delivery of housing within the borough helping to provide additional revenue to the Council in future years in the form of Council Tax receipts and greater certainty around capital receipts.

### **RISK MANAGEMENT IMPLICATIONS**

Nil.

### **HUMAN RESOURCES IMPLICATIONS**

As for financial implications, the determination of applications will require additional officer time.

### **EQUALITY AND DIVERSITY IMPLICATIONS**

Nil.

### **CRIME AND DISORDER IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

It is considered that the proposals will have positive sustainability implications by helping to deliver housing in the Borough.

### **HUMAN RIGHTS IMPLICATIONS**

Nil.

### **WARD IMPLICATIONS**

Nil.

### **BACKGROUND INFORMATION**

The Town and Country Planning (Permission in Principle) (Amendment) Order 2017.